

## REMARKS

Claims 1-6 and 8-12 are currently pending. By this paper, claims 1, 3, 8 and 12 have been amended. In view of the foregoing amendments and the following comments, Applicants request reconsideration of the application.

In the Office Action, the specification was objected to because of a number of informalities. By this paper, Applicants have submitted a substitute specification to overcome these informalities. Both a marked-up version and a clean version of the specification is enclosed. Applicants believe that the third and fourth informalities noted by the Examiner were previously corrected in the Preliminary Amendment that was filed in this case.

In the Office Action, claims 1-5 and 9-11 were rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hoek (WO 2004/009739) as evidenced by Dry in Fischer-Tropsch Technology (2004, Studies in Surface Science and Catalysis, Volume 152, pages 196-257).

As noted by the Examiner, Hoek does not explicitly disclose that the Fischer-Tropsch derived product has a weight ratio of compounds boiling above 540 °C and compounds boiling between 370 and 540 °C of greater than 2. Accordingly, Applicants submit that Hoek does not anticipate the invention of claim 1 because there is no express teaching of this element of the claim. Additionally, this feature would not be inherent within Hoek because different feeds can have different ratios. In order for something to be inherent, it must inevitably be present. As demonstrated by the examples, it is possible to have feeds with weight ratios both above and below the ratio of 2 that is set forth in claim 1.

Applicants submit that the invention of claim 1 would not have been obvious because of the surprising and unexpected results obtained from the claimed invention. In Example 1 in the specification, a feed according to the invention having a ratio of 3.1 is compared to a feed having a ratio of 1.9 which is less than the claimed ratio. The results of the comparison are set forth in Table 2. Essentially the same amount of product boiling below 370 °C is obtained. However, the desired, high value fraction, boiling between 370 and 540 °C is 21.8 according to the invention rather than 20.4 which comprises an increase of 7 percent. Additionally, the properties of the waxy raffinate are better in the example according to the invention as the pour point and the cloud point are lower. Thus, further processing will be easier (to get the same base oil

properties) or, when the further processing is the same, a better base oil product will be obtained. Accordingly, by following the teachings of the present invention, a more valuable product having better properties is obtained.

Claims 6, 8 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoek as evidenced by Adams (WO 2004/007647). Applicants submit that these claims are patentable for the same reasons set forth above with respect to claim 1.

In view of the foregoing, Applicants submit that the claims are in condition for allowance and favorable consideration by the Examiner is requested. Should the Examiner find any impediment to the allowance of the claims which could be corrected by telephone interview with the undersigned, the Examiner is requested to initiate such an interview.

Respectfully submitted,

DIERICKX, Jan Lodewijk Maria, et al

By /Craig M. Lundell/

Their Attorney, Craig M. Lundell  
Registration No. 30,284  
(713) 241-2475

P. O. Box 2463  
Houston, Texas 77252-2463